

Application Serial No. 09/866,088

REMARKS

Reconsideration is requested.

In this response, claims 1, 17, and 21 have been amended, and new claims 26-33 have been added. Thus, claims 1-10, and 17-33 are pending in this application. New claims find support at least at page 8, paragraph 23, page 9, paragraph 24, and Figures 3, 7, and 10 of the present specification as originally filed.

In the instant Office Action, drawings were objected to under 37 CFR 1.83(a); the specification was objected to for failing to provide proper antecedent basis for the claimed subject matter; claims 1-10 and 17-25 were objected to for having minor informalities; claims 1-10 and 17-25 were rejected under 35 U.S.C. §112, first paragraph; claims 1-5, 7-8, 10, and 21-25 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,659,741 to Corelli; claims 3-5, 7-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Corelli; claims 2 and 9 were rejected as being unpatentable over Corelli in view of U.S. Patent No. 5,224,623 to LaFleur; claims 6 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Corelli in view of Ramirez, Huang, Balzar, Reskow, and Schubert.

Objections to Drawings

In response to drawing objections, Applicant proposes amendment to Figures 7 and 10 to overcome the objections. Specifically, Figure 7 has been

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amended to add reference numeral "43" to more clearly identify a corner opening in meat tray 10, and Figure 10 has been amended to include reference numeral "85" in order to identify the top opening in the meat tray 10 to receive fixture 84. Reference numerals to Figures 7 and 10 are added in order to clarify features shown in such figures, as originally filed. No new matter is added by way of this amendment.

Further support for such amendments may be found at least at page 10, paragraph 29 of the originally filed application.

A substitute sheet containing Figures 7 and 10 is being submitted concurrently herewith by separate paper entitled "Letter Requesting Proposed Drawing Changes and Submission of Formal Drawings". A courtesy copy of such letter with both a red-lined and corrected version of Figures 7 and 10 is attached hereto. Indication of the acceptability of such drawings is respectfully requested.

Objections to Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter.

Claims 1, 17, and 21 have been amended and find adequate support in the specification at least at para 24, and Figure 7 of the originally filed specification.

Applicant also proposes to amend the specification as noted above. Amendments to the specification merely highlight what has already been

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disclosed in originally filed drawings. No new matter is added by way of this amendment.

In view of the above, withdrawal of objections to the specification is respectfully urged.

Objections to Claims

Claims 1-10 and 17-25 stand objected due to the following informalities:

The Examiner asserts claims 1 and 17 recite structure pertaining to an inside corner entrance opening which has not been shown in the drawings. Proposed drawing corrections by the Applicant show the inside corner entrance opening as recited in claims 1 and 17. Accordingly, withdrawal of objections to claims 1 and 17 is requested.

Amendment to claim 21 renders moot the objection made with respect to such claim. A notice to that effect is respectfully urged.

Rejection Under 35 U.S.C. §112, first paragraph

Claims 1-10 and 17-25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1, 17, and 21 have been amended. It is believed that amended claims 1, 17, and 21 are in compliance with 35 U.S.C. §112, first paragraph. Withdrawal of rejection of claims 1-10 and 17-25 under 35 U.S.C. §112, first paragraph is respectfully urged.

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Rejections Under 35 U.S.C., §102

Claims 1-5, 7, 8, 10 and 21-25 are rejected under 35 U.S.C. §102(b) as being anticipated by *Corelli* (U.S. Patent 3,659,741).

Amended claim 1 recites, in part, a thermal plastic expanded foam rectangular meat tray trimmed from a thermal plastic expanded foam web, having four side walls extending upward and outward from the bottom wall integrally interconnected to each other at four perpendicular corners each having an inside corner angle of 90 degrees, each of the side walls having an inclined lower section and an upper section that extends upward terminating in a lip that extends outward around the periphery of the tray, and the upper wall section having an alignment corner surface on an inside surface of each perpendicular corner inclined in a vertical plane and extending upward and outward to the lip at each of the four corners, each alignment corner surface in a horizontal plane comprising a curved arc having an inside corner entrance opening defining an angle that is greater than 90 degrees and less than 180 degrees and specifically provided to receive an internal complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam web, and each inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between a corresponding lower wall section and the bottom wall.

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The Office Action acknowledges that Corelli fails to teach or suggest a tray having an alignment corner surface in a horizontal plane *comprising a curved arc having an inside corner entrance opening defining an angle that is greater than 90 degrees and less than 180 degrees*. Page 6, first paragraph (lines 1-3) of the instant Office Action acknowledges the above-noted deficiency of Corelli.

Accordingly, amended claim 1 is patentably distinct and cannot be anticipated by Corelli.

In addition to the above-noted deficiency, Corelli also fails to teach or suggest the following:

The Office Action asserts that Corelli teaches "an upper wall section having an alignment corner surface on an inside surface of each perpendicular corner inclined in a vertical plane and extending upward and outward to the lip at each of the four corners, each alignment corner surface in a horizontal plane comprising a curved arc...." Applicant respectfully disagrees for the following reasons:

Corelli discloses a container for shipping a product requiring ice for cooling during transit. Corelli discloses a container having vertical end walls 11 and side walls 12, with a projecting flat lip 13. A well portion 1 has a bottom 14, upstanding end 15, and side walls 16. ¹ The well portion 1 projects downwardly from a central portion of the container providing a horizontal peripheral bottom

¹See Corelli's Col. 2, lines 20-25.

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portion 17 between the walls of the container and the walls of the well. Supporting shoulders formed by bottom portions 17 are used to rest boxes when the container is used to carry wooden fillet boxes.²

Where does Corelli show (i) an upper wall section having an alignment corner surface on an inside surface of each perpendicular corner inclined in a vertical plane and extending upward and outward to the lip at each of the four corners, (ii) each alignment corner surface in a horizontal plane comprising a curved arc as recited in claim 1.

At best, Corelli shows a container having end walls 11 and side walls 12, and the four corners as shown in Corelli's Figure 5. Assuming for argument purposes the end walls 11 and side walls 12 provide upper walls, Corelli still fails to teach or suggest an upper wall section having an alignment corner surface on an inside surface of each perpendicular corner that extends toward the lip at each of the four corners. Even further assuming Corelli's flap 13 to be a lip, end walls 11 and side walls 12 are merely shown to extend to flap 13. Where is the alignment corner surface on an inside surface of each perpendicular corner that extends toward the lip at each of the four corners as recited in claim 1?

Since Corelli fails to teach or suggest having an alignment corner surface on an inside surface of each perpendicular corner as noted above, the question

²See Corelli's Figures 1, 5, and col. 2, lines 32-35.

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of such alignment corner surface disposed in a horizontal plane comprising a curved arc does not even arise. Logically, since Corelli fails to teach or suggest having an alignment corner surface, it also fails to teach or suggest an alignment corner surface comprising a curved arc.

None of the respectively cited Ramirez, Huang, Reskow, Balzar, or Schubert references cure the above-noted deficiency of Corelli. These references taken alone or in combination fail to teach or suggest all of the required elements of claim 1.

In addition to the above, claim 1 further recites:

"alignment corner surface... specifically provided to receive an internal complementary mating corner alignment fixture to maintain the tray accurately aligned at corners as the tray is being trimmed from the thermal plastic expanded foam web, and

each inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between a corresponding lower wall section and the bottom wall."

Where does Corelli teach or suggest having an alignment corner surface that is specifically provided to receive an internal complementary mating corner alignment fixture to maintain accurate alignment of the tray at corners as the tray is being trimmed from the thermal plastic expanded foam web? Corelli fails to teach or suggest such feature as it has nothing to do with alignment of a tray during the process of trimming the tray from a thermal plastic foam web.

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Although Corelli, at col. 2, lines 25-27, discloses that end walls 15 and side walls 16 may be inclined, it still fails to specifically teach or suggest an inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between a corresponding lower wall section and the bottom wall as recited in claim 1.

None of the respectively cited Ramirez, Huang, Reskow, Balzar, or Schubert references cure the above-noted deficiency of Corelli. These references taken alone or in combination fail to teach or suggest all of the required elements of claim 1.

Claim 1 would not be obvious even if the teachings of Corelli are combined with the teachings of Ramirez, Huang, Balzar, Reskow, or Schubert.

In addition to all of the above-noted deficiencies of Corelli, none of the respectively cited Ramirez, Huang, Balzar, Reskow, or Schubert references teach or suggest an alignment corner surface in a horizontal plane *comprising a curved arc having an inside corner entrance opening defining an angle that is greater than 90 degrees and less than 180 degrees* as recited in claim 1.

Ramirez

Ramirez discloses a processor tray for maintaining plastic film wrapped thereabout in a taut state. Figure 6 of Ramirez only shows curved corners 112-118 of tray 100. Tray 100 is formed to have a base, side walls and corners that are integrally and continuously formed without interruptions to define a

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smooth inner surface. It fails to teach or suggest *an upper wall section having an alignment corner surface on an inside surface of each perpendicular corner,... each alignment corner surface in a horizontal plane comprising a curved arc having an inside corner entrance opening defining an angle that is greater than 90 degrees and less than 180 degrees.* In fact, Ramirez fails to teach or suggest having lower and upper wall sections. Further, corners 112-118 are not formed in an upper wall section on an inside surface of each perpendicular corner. By requiring the tray be formed with a smooth inner surface, Ramirez teaches away from claim 1.

The Examiner, on page 6, second paragraph, asserts that Ramirez teaches "the inclined corner surface are inclined from a vertical line at an angle alpha of 15-40 degrees which makes an angle in the range of 105 degrees (90+15) to 130 degrees (90+40) with the bottom wall." Applicant respectfully disagrees in view of the following:

Claim 1 recites, in part, each inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between a corresponding lower wall section and the bottom wall." (Emphasis added)

In Ramirez, sidewalls 14-20 are angularly disposed relative to the base 12 to define an acute angle alpha relative to the reference axis A which is perpendicular to the base 12. See Ramirez's col. 3, lines 43-45. Since the angle alpha is an acute angle, it ranges from 15-40 degrees. Even if an angle

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of 90 degrees is added to angle "alpha" to come up with an angle with respect to the bottom wall, Ramirez still fails to teach or suggest inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between a corresponding lower wall section and the bottom wall as recited in claim 1. None of the other references of record cure the deficiencies of Corelli and Ramirez.

Huang

Figure 4 of Huang shows a bottom plan view of a container having curved corners. It fails to teach or suggest *an upper wall section having an alignment corner surface on an inside surface of each perpendicular corner,... each alignment corner surface in a horizontal plane comprising a curved arc having an inside corner entrance opening defining an angle that is greater than 90 degrees and less than 180 degrees*. Neither Reskow nor Balzar or Schubert teach or suggest such feature as recited in claim 1.

Therefore, claim 1 would not be obvious even if the teachings of Ramirez, Huang, Balzar, Reskow, or Schubert are combined with the teachings of Corelli.

At least for the above recited reasons, claim 1 is patentably distinct over prior art of record, and therefore allowable.

The inventor of this application recognized the importance of tray alignment to accurately trim the trays formed from the expanded foam web, and thus has invented the

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claimed invention having specific angles for the tray to achieve accurate trimming of the trays in order to provide a uniform seal surface on the flange.

None of the other references of record cure the above-noted deficiencies of Corelli. Thus, even if Corelli is combined with Ramirez, Huang, Balzar, Reskow, and Schubert, all the limitations of claim 1 are not met.

Neither accumulation of dirt in the corners of the containers nor thorough cleaning of interiors of the containers, as recognized by the Examiner, is a concern that has resulted in the claimed invention. One of the factors that led to the claimed invention is the problem of accurate alignment of the trays during formation of such trays as they are trimmed out of an expanded foam web. The inventor of this application recognized such problem and proposed a solution as set forth in the claimed invention. The problems recognized by the Examiner, supposedly from the prior art of record, appear to teach away from the problem for which the claimed invention proposed a solution. Page 1 of the present specification provides further details in this regard.

In view of the above, Applicant respectfully submits that claim 1 is patentably distinct over the prior art of record, and is therefore in condition for allowance. A notice to that effect is respectfully urged.

As claims 2-5, 7-8, and 10 depend from claim 1, they too are patentably distinct over Corelli. A notice to that request is respectfully urged.

In addition, claims 2-5, 7-8, and 10 are patentably distinct for their own respective features. For example, claim 2 further recites that upper sections of side walls have inside

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reinforcing ribs formed therein in which the inclined alignment corner surfaces are indented into the ribs at the corners of the side walls. Where does Corelli teach such a feature?

In Corelli, no reinforcing ribs are formed in upper sections of side walls, and therefore the question of forming inclined alignment corner surface indented into the ribs at the corners of the side walls does not even arise. Claim 2 is therefore in condition for allowance.

A notice to that request is respectfully urged.

Amended independent claim 21 recites, in part, an upper wall section having a plurality of spaced-apart alignment corner surfaces inclined in a vertical plane and extending upward and outward to the periphery of the tray, each alignment corner surface in a horizontal plane comprising a curved arc defining an angle that is greater than a respective one of the inside corner angles and specifically provided to create an increased alignment surface area and to receive an internal complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam web, and each inclined corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between the lower wall section and the bottom wall. None of the references of record, taken alone or in combination, teach or suggest such features of claim 21. Therefore, claim 21 is in condition for allowance.

Claim 21 is further allowable at least for reasons set forth above with reference to claim 1 in addition to its own independent claim elements. Claim 21 is therefore in condition for allowance.

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As claims 22-25 depend from claim 21, they too are in condition for allowance. A notice to that effect is respectfully urged.

Rejections Under 35 U.S.C., §103

Claims 3-5, 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Corelli*. Claims 2 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Corelli* in view of *LaFleur* (U.S. Patent No. 5,224,623). Claims 6 and 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Corelli* in view of *Ramirez, et al.* (U.S. Patent No. 5,934,472), *Huang, et al.* (U.S. Patent No. 6,269,969 B1), *Balzar, et al.* (U.S. Patent No. D437,686 S); *Reskow* (U.S. Patent No. 5,503,858); and *Schubert, et al.* (U.S. Patent No. 3,935,962).

As claims 3-5, 7 and 8 depend from independent claim 1, they too are allowable.

Claims 2 and 9 depend from independent claim 1. *LaFleur* fails to cure deficiencies of *Corelli*. Neither *Corelli* nor *LaFleur*, taken alone or in combination, teach or suggest all the elements of independent claim 1. As claims 2 and 9 depend from claim 1, they too are in condition for allowance.

Claim 6 depends from claim 1 and further limits claim 1 in a patentable sense. Claim 6 is therefore allowable.

Amended claim 17 recites, in part, an upper section having a discrete alignment corner surface recessed into an internal surface of each 90 degree inside corner inclined in a vertical plane and extending upward and outward to the lip at the four corners, each alignment corner surface in a horizontal plane comprising a curved arc covering an angle

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that covers an inside corner angle of more than 90 degrees, but less than 180 degrees to provide a complementary inside corner entrance opening, and each inclined inside corner surface in a vertical plane forming an obtuse angle with the bottom wall that is less than a corresponding obtuse angle formed between the lower section and the bottom wall to provide a conical alignment surface at each corner configured to interact with an alignment structure of an article trim press.

None of the references of record, taken alone or in combination, teach or suggest such features of claim 17. Claim 17 is further allowable at least for reasons set forth above with reference to claim 1, in addition to its own independent claim features. A notice to that effect is respectfully urged.

As claims 18-20 depend from claim 17, they too are allowable.

New claims 26 recites, in part, an upper wall section having an alignment corner surface on an inside surface of each perpendicular corner inclined in a vertical plane and extending upward and outward to the lip at each of the four corners, each alignment corner surface in a horizontal plane including an arc having an opening, the arc defining an angle that is greater than 90 degrees and less than 180 degrees *to produce an increased alignment surface area when compared to a right-angled corner surface*, the opening defined by the arc specifically provided to receive an outwardly extending corner elements of a complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam web.

None of the references of record teach or suggest all the elements of claim 26. Claim 26 is therefore in condition for allowance.

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As claims 27-32 depend from claim 26, they too are allowable.

New claim 32 recites, in part,

each of the side walls having an inclined lower section and an upper wall section, the upper wall section extends upward terminating in a lip that extends outward around the periphery of the tray, the upper section of the side wall having an inside surface and an outside surface, and wherein the inside surface includes a plurality of reinforcing ribs configured to provide extra stiffness to the upper wall section, and

the upper wall section having an alignment corner surface on the inside surface, the alignment corner surface inclined in a vertical plane and extending upward and outward to the lip at each of the four corners, wherein each alignment corner surface in a horizontal plane including an arcuate surface formed as an recessed section into the plurality of ribs,

wherein the recessed section being limited to an arcuate surface area formed by the corners the side walls, an angle defined by the arcuate surface being greater than 90 degrees and less than 180 degrees to produce an increased alignment surface area when compared to a right-angled corner surface, and

wherein an opening defined by the arcuate surface specifically provided to receive an outwardly extending corner elements of a complementary mating corner alignment fixture to maintain the tray accurately aligned at the corners as the tray is being trimmed from the thermal plastic expanded foam web.

None of the references of record teach or suggest any of the above-noted claim features of claim 33. Accordingly, claim 33 is in condition for allowance.

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CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

Dated: _____

9/25/03

By: _____

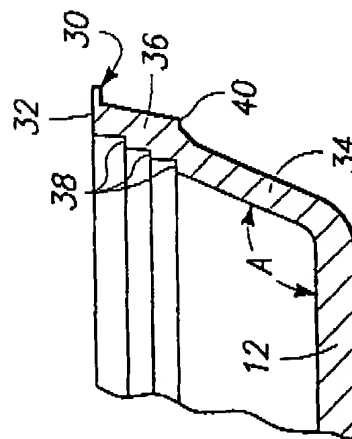
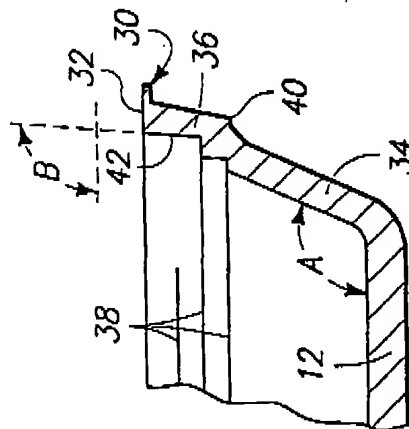
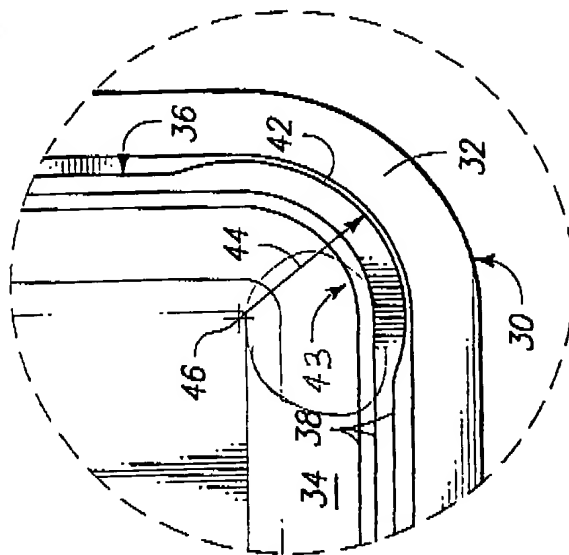
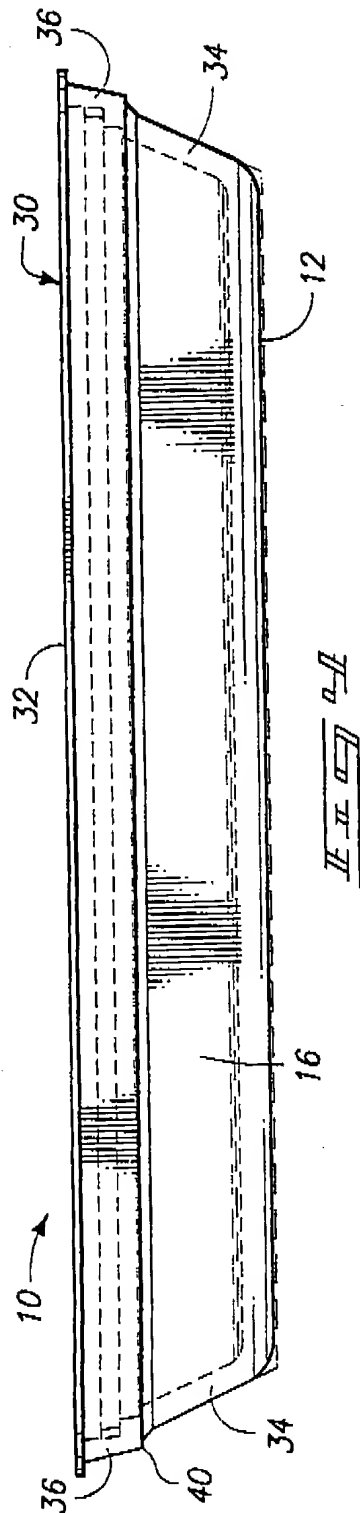
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 ANNOTATED SHEET SHOWING CHANGES

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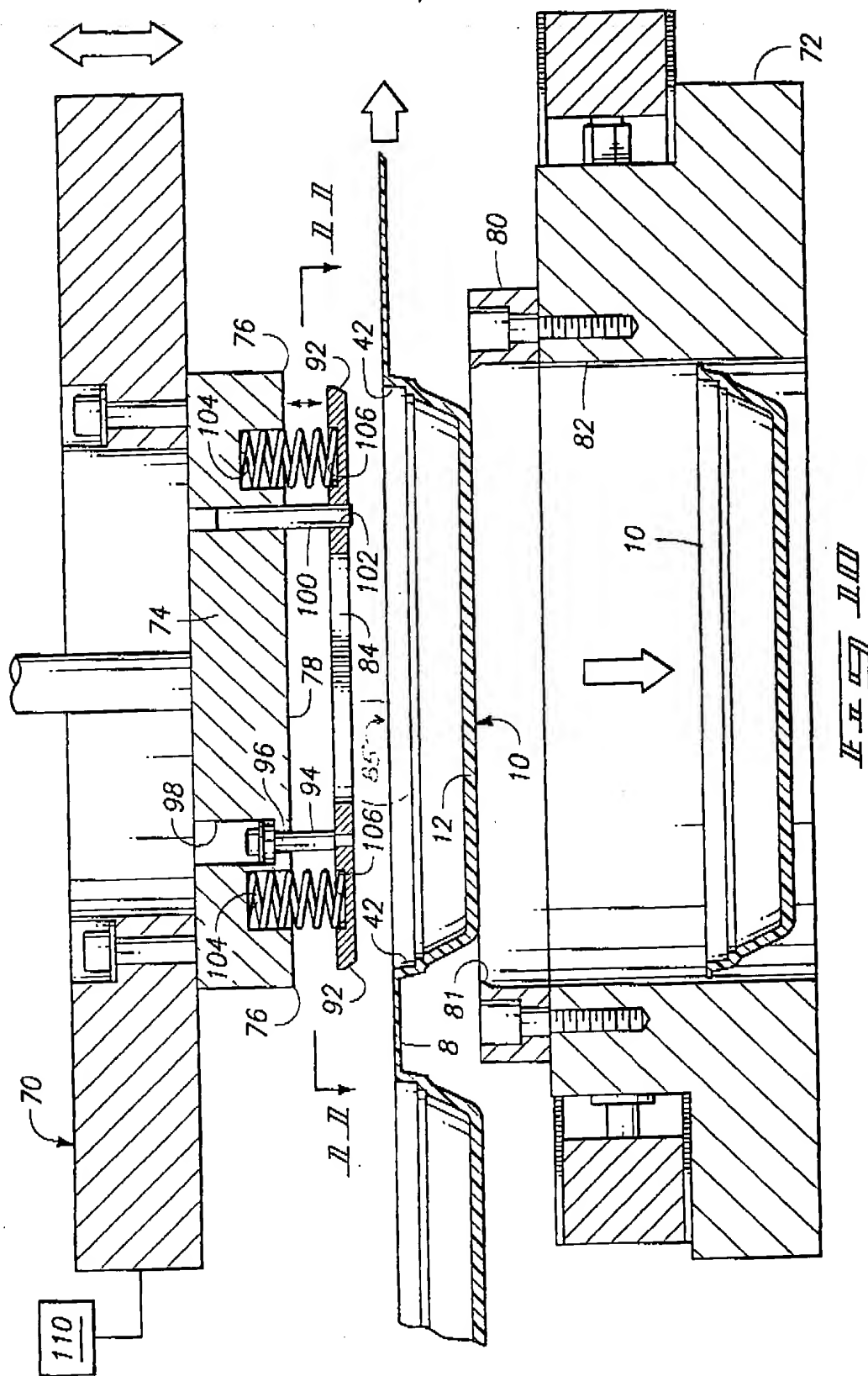


FIG. 11